



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
P.O. Box 1107
GREENVILLE, MAINE 04441

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

DEVELOPMENT PERMIT DP 5002

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Bernard Paquet for Development Permit DP 5002, finds the following facts:

1. Applicant: Bernard Paquet
1234 Route 275
St-Come Liniere, QC GOM 1J0
2. Date of Completed Application: August 25, 2016
3. Location of Proposal: T 7, R 19 WELS, Somerset County
Plan 01, Lot 1 (part of)
4. Zoning: (M-GN) General Development Subdistrict
5. Lot Size: 2 acres (leased)
6. Existing Structures (Footprint):
Maple Sugar Processing Building (40 ft. by 55 ft.)
Camp (18 ft. by 22 ft.)
Accessory Structures (23 ft. by 18 ft., 8 ft. by 16 ft. & 8 ft. by 16 ft.)
Above Ground Fuel Tank for Generator
Water Tank
7. Proposed Expanded & Reconstructed Principal Building (Footprint):
Maple Sugar Processing Building with 2 bedrooms and
attached woodshed (90 ft. by 42 ft.)
8. Sewage Disposal:
Proposed Subsurface Disposal System for Maple Sugar Processing Facility

Proposal

- 9) The applicant proposes to demolish and remove: a) the existing 40 ft by 55 ft. maple sugar processing building, b) the 18 ft. by 22 ft. camp, and c) the 23 ft. by 18 ft. "Tractor Shed" accessory structure. The applicant proposes to replace these structures with a reconstructed maple sugar processing building using the existing concrete foundation and expanding to create a 90 ft by 42 ft. structure that would include a 2 bedroom living quarters and a wood shed within the expanded footprint. The existing foundation is located approximately 65 feet from the road. The proposed reconstructed facility would use the existing foundation and would maintain the same setback. The existing water tank located immediately behind the existing foundation and would remain in place. The existing 8 ft. by 16 ft. "Generator Shed" with concrete foundation and existing 8 ft. by 16 ft. "Shed" are located approximately 70 feet from the road and would remain in place. The existing above ground fuel tank located behind the generator shed would also remain in place. All structures are located greater than 100 feet from the nearest stream and greater than 25 feet from the nearest property line as defined by the approximately 2 acre leased area. The site is accessed via Baker

Lake Road. The applicant has submitted a copy of an application for a subsurface sewage disposal system for the facility, which when approved and installed would handle the facilities waste water.

Review Criteria

- 10) Under provisions of Section 10.24,A,3,c(8) of the Commission's Land Use Districts and Standards maple sugar processing operations may be allowed in a (M-GN) General Management Subdistrict upon issuance of a permit from the Commission.
- 11) Under provisions of Section 10.25,Q,1,g(2) of the Commission's Land Use Districts and Standards, a lot is not counted for the purposes of subdivision it is retained by the person dividing the land, and for a period of at least 5 years:
 - a) is retained and not sold, platted, leased, conveyed or further divided, except for transfer to an abutter, and
 - b) is used solely for agricultural or forest management activities and associated structures and development.
- 12) Under provisions of Section 10.26,D,1&2 of the Commission's Land Use Districts and Standards commercial structures must be set back a minimum of at least 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, at least 75 feet from the traveled portion of all roadways and at least 25 feet from side and rear property lines.
- 13) Under provisions of Section 10.11,B,2 of the Commission's Land Use Districts and Standards, where legally existing, nonconforming structures do not meet setbacks, an existing setback line will be established. The existing setback line will run parallel to the road at a distance equal to the closest point of the existing structure. Subject to other requirements of this section, a nonconforming structure may be expanded up to the existing setback line without it being considered more nonconforming than the original structure.
- 14) Under provisions of Section 10.11,C,2 of the Commission's Land Use Districts and Standards, a legally existing nonconforming structure may be reconstructed or replaced with a permit, provided that permit is competed and filed within two years of removal. Reconstruction or replacement must comply with the current minimum setback requirements to the maximum possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the maximum possible extent, the Commission may consider the location of other legally existing structures on the property at the time of removal and the physical condition and type of existing foundation.
- 15) The facts are otherwise as represented in the application for Development Permit DP 5002, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. Based on the facts as presented and Chapter 10 Sections 10.11,B&C, 10.24,A & 10.26,D of the Commission's Land Use Districts and Standards the proposed reconstruction and expansion of the existing maple sugar processing facility is an allowed use and meets the setbacks to the maximum possible extent.

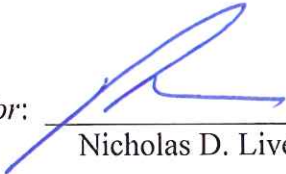
2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Bernard Paquet with the following conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. The proposed structure must be setback at least 100 feet from the streams, at least 25 feet from the property lines and at least 65 feet from the nearest road.
3. Construction debris must not be disposed of in a wetland. All construction debris must be disposed in a proper manner, in compliance with applicable state and federal solid waste laws and rules.
4. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
5. The scenic character and healthful condition of the area covered by this permit must be maintained. The area must be kept clear of litter, trash, and any other materials that may constitute a hazardous or nuisance condition.
6. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
7. Exterior finishes of all structures shall be non-reflective and natural colors to blend with the natural surroundings and minimize any adverse visual impacts.
8. Issuance of this permit does not obviate the need for any other federal, state or local approvals.
9. Once construction is complete, the permittee shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.

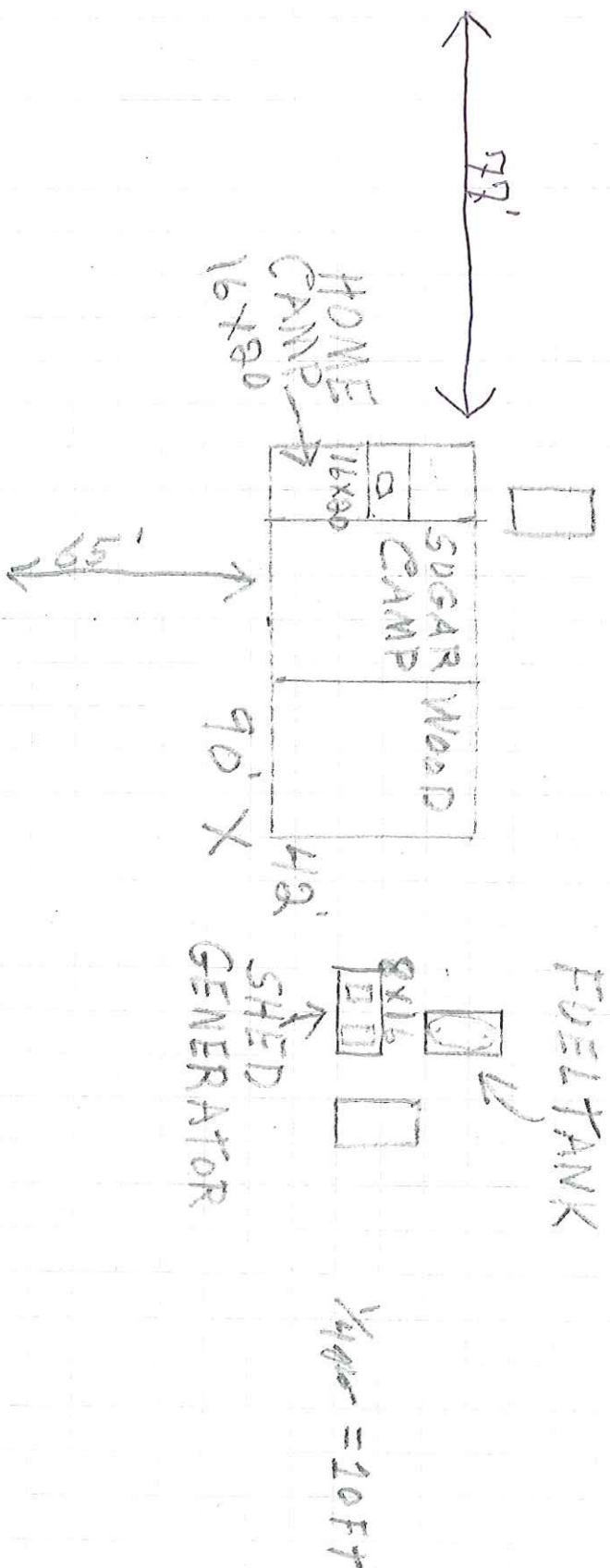
This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 25th DAY OF AUGUST, 2016.

for:  Nicholas D. Livesay
Nicholas D. Livesay, Executive Director

AFTER

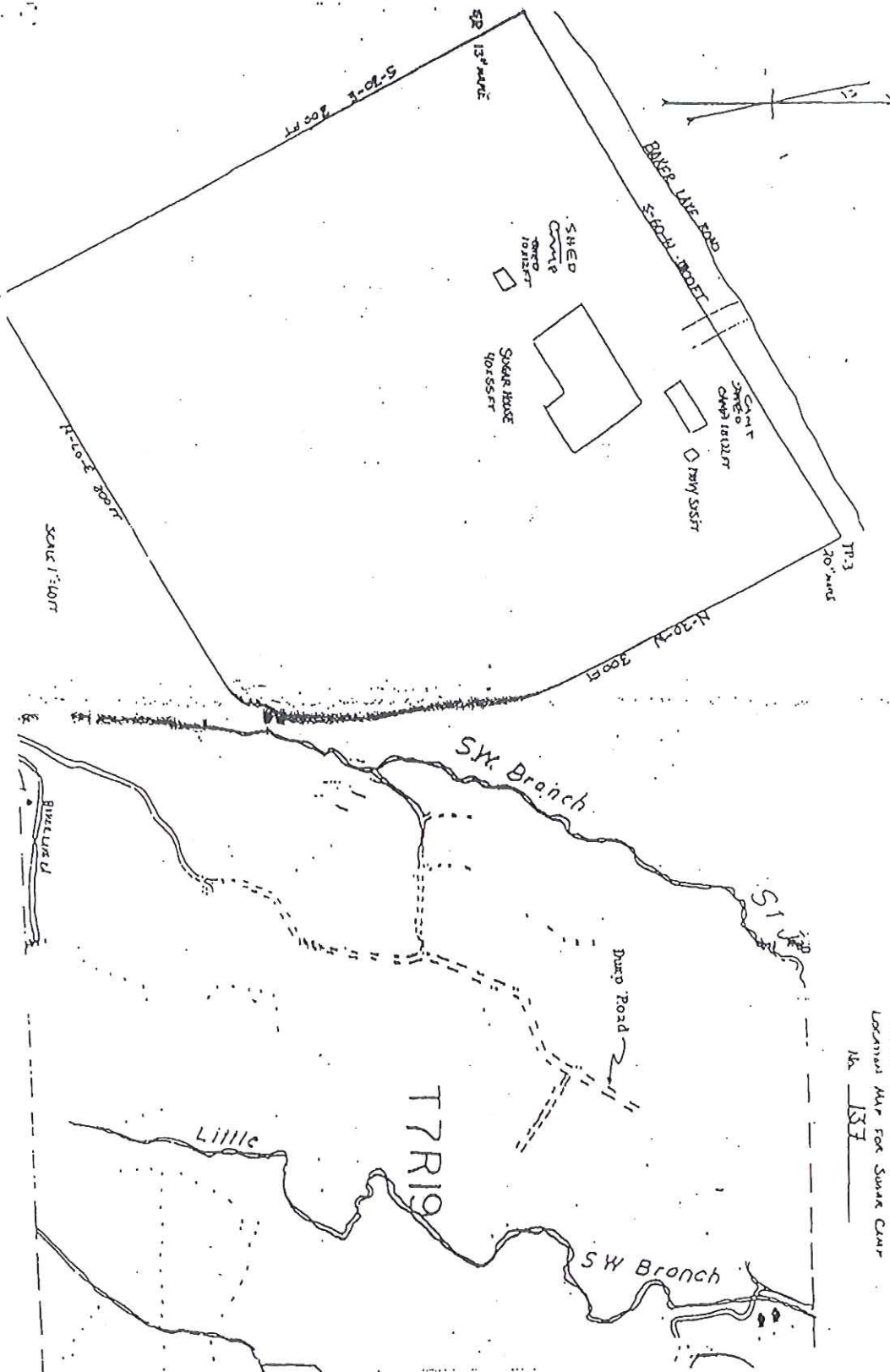
BERNARD PACQUET
CAMP 137
TOWNSHIP 7, R19 WELS
SOMERSET COUNTY MAINE



BAKER LAKE ROAD

APPENDIX A
LAND

T7-R19 CAMP 137



STATE OF MAINE
County of Somerset
Township 7 Range 19 W.E.L.S.
Location Map for Sugar Camp
No. 137

CAMP 137

LEASE LOCATION: Lands owned by licensor; in the State of Maine; in the County of Somerset; in Township 7 Range 19 W.E.L.S. Starting at the Sta. Aurelie Gate thence 1.7 miles easterly on the Baker Lake Road to the starting point; 3-13 inch maple blazed four sides with yellow paint; thence S-30-E for 300 feet to T.P.1; thence N-60-E for 300 feet to T.P.2; thence N-30-W for 300 feet to T.P.3; thence S-60-W for 300 feet to close on the starting point.